App. F. IX-4

1969-70
(CB)

File No. 36269

Serial Nos. 1

Previous References.

S & A 160-44-1
CB 38-44-1
CB 195-47-1,2

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for Feb 70

SUBJECT

Representation of Sri B. T. Kempanna Secretary to Government Development Department.

Confidential Branch,
G. R. S.

There was a similar representation from Sir J. B. Kotalawala some time. The connected papers may please be traced and forwarded.

GSR
1-10-49

A thorough search was made both in the Secretariat Heading and Deposit registers for the above reference and with no success. In the circumstances, the paper may be burnt. With a note, ~~destroyed~~ if approved. please see if there are any papers in the Fin. Dr or if so

Dr 1/10/49

17.10.49

Similar representation
was received from Sir
R. Ramachandra Rao
Bhombore.

Ans
17.10.49

1) I assumed charge as Secretary to Government, Development Department on the 1st January 1949. The High Price Allowance of Rs.50/- per month (sanctioned in Government Order No.Fl. 4152-4215/S&A.160-44-1 dated 17th March 1945) was claimed by me for the months of January to April 1949, but the claim was not admitted in audit and the Comptroller has raised the following objections in spite of the detailed explanation furnished to him:-

> "Since his total emoluments are not less than Rs.850/- per mensem and the term "total emoluments" as used in the Government Order for purposes of regulating High Price Allowance includes Duty Allowance ~~includes Duty Allowance~~, he is not entitled to any High Price Allowance vide note under para 4 of G.O. No.Fl.4152-4215/S.& A.160-44-1 dated 27/3/1945. If he still does not agree, he may kindly take up the matter with the Financial Department of Government."

2) The Comptroller's view that the "total emoluments" drawn by me (i.e., pay plus duty allowance) exceed Rs.850/- and as such I am not entitled to the High Price Allowance is not correct.

3) The note under para 4 of G.O. of 17/3/1945 is perfectly clear and only pay of the officer is taken into consideration and not his salary. The term "total emoluments" referred to in the said note therefore clearly refers to only pay of the officer,. The Duty Allowance drawn by an officer cannot be taken into consideration, ~~as~~ under total emoluments referred to in the G.O. In the same G.O., in the earlier portion while sanctioning Dearness Allowance to officers getting below Rs.150/-, it will be seen that the "salary" of the officer is taken into consideration. It would indeed be very hard and will not be fair if a restricted interpretation of the term "total emoluments" as contended by the Comptroller is accepted, particularly in respect of Officers getting a pay

Representation Sri B.T. Rajyapanna — 1301 SW/KS. CB — Camp. 352. 30.9.49

Secretary to Govt, Development Deptt, D.No. 10/P

not exceeding Rs.850/- per month. After all such cases are very few. In this connection, it may also be stated that so far as Secretaries to Government are concerned, all are given a uniform duty allowance of Rs.100/- per month irrespective of their salary, and they are treated alike in respect of the duty allowance and Deputy Commissioners acting as Secretaries to Government getting a pay of Rs.800/- per month cannot be therefore deprived of the High ~~Rxixx~~ Price Allowance. The Duty Allowance given to these officers is independent of all other allowances if any drawn by them and their respective pay, and I think, this allowance was mainly granted to compensate to a certain measure - the extra expenditure incidental to their work as Secretaries and also others, privileges enjoyed by them while they were in executive charge as Deputy Commissioners etc. It would certainly work as a hardship and will only act as injustice, if they are denied of the War Allowance (though it is not the intention of Government) to which they are legitimately entitled.

4) In the circumstances, I request that the Comptroller may kindly be authorised to admit my claim for War Allowance for the months of January to April 1949 and onwards.

For favour of early action.

Chief Secretary w/cs.)

28/9

CB.

5) Put up after 14 days returning from Delhi.

1/10/49

1-10-49.

Representation of Sri B.T. Kempanna - Secretary to Govt Development Deptt

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6) Submitted with reference to paras 1 to 4 of the note. When Sri BT Kempanna assumed charge as Secretary to Govt (Viz on 1/1/1949) he was D.B III class P.P. He since getting his grade pay of Rs 800/- Plus a DA of Rs 100/- P.M bringing his total emoluments to Rs 900/- P.M. In G.O No: 3233/ CB 1-49-1 of 7/10/49 ordering confirmation and promotion of officers in the cadre of Deputy Comrs Sri B.T. Kempanna was promoted as D.B. II "acting" with effect from 22/3/1949. Hence from this date he would be eligible to his grade pay of Rs 800/- + 200 A.A. + 100 D A making his total emoluments Rs 1100/- P.M.

7) Sri. BT. Kempanna claims War allowance of Rs 50/- PM sanctioned in G.O of 17/3/46 on the understanding that only pay of an officer is taken into consideration for purposes of admitting him to this allowance and not salary.

8) In this connection kind reference is invited to R.B under clause 3 of para 4 of the Govt order of 27/3/1945. It is stated "Officers drawing pay in excess of Rs 800/- but not in excess of Rs 850 PM in Bilore City and of Rs 840/- PM in other places will get War allowance to the extent necessary to bring their total emoluments to Rs 850/- and 840/- respectively".

9) This clause places a ceiling limit

Representation of Sri B.T. Kempanna, Secretary to Govt, Development Dept

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at Rs 850/- in the case of officers in Bangalore City and at Rs 840 in the case of officers elsewhere, beyond which war allowance is considered inadmissible whether the officer's earning constitutes substantive pay or pay plus allowances. ~~war allowance~~ Apparently, therefore, only the total emoluments of an officer is taken into consideration and not the pay proper. In this view the Controller has not admitted in audit the claim of Sri B.T. Kempanna for the months of January to April '49.

10) The financial dept may perhaps be Consulted in the matter.

11) Refee. para 5.

by 11/11/49

12) Strictly the wording employed in the Govt order does not bear either the restricted application sought to be given to it by the comptroller or the enlarged interpretation put on the words used therein. The note under para 4 of the Govt order dated 27th March 1945 says that officers drawing pay in excess of Rs 800/- but not in excess of Rs 850/- in Bangalore City ..... will get the War Allowance to the extent necessary to bring their total emoluments to Rs 850/- ..... The word "pay" used there cannot, clearly,

11.11.49

Representation of Sri B.T. Kempanna.

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include anything other than "pay" which means substantive pay and the words "total emoluments" means and can only mean pay plus War Allowance. It is difficult in the context of the note to conceive how any other allowance can be included in the term.

13) It is for consideration whether the comptroller may be informed that as contemplated in the G.O. officers drawing a pay in excess of Rs 600/- may also be allowed High Price Allowance to the extent necessary to bring their total emoluments to the amount fixed in the G.O. taking into account under "pay" only substantive pay and under total emoluments pay plus High Price Allowance admissible in each case.

Chief Secy) KSMR 2/2/50

14) For favour of opinion. There should be a good number of officers in this Category now, and before also. I do not think in any of these cases the representation now sought to be put up. The question by Sri. B.T. Kempanna, was put.

Fin. Secy) NB 2/2/50

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REVENUE SECTION 8153 3 FEB 1950 BANGALORE

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15) I agree with the Ch. Secy. The ruling idea of the G.O of 17-3-1945 is that if the total emoluments" fall short of a certain figure war allowances to the extent necessary to bring these allowances to that figure and to that alone, would be admissible.

16) The question is what is meant by by the term "Total emoluments". If it meant ~~meant~~ mere pay alone, nothing would have been easier than to say so, specially as 'pay' has been used plentifully in the earlier portions of the order. So A in the C.B asst Secy's note is not correct. For, war allowance could not be meant there; as that is the separate ingredient now to be added to the 'total emoluments". "Total emoluments" therefore cannot mean either mere pay as argued, and cannot include war allowance, as that is to be the compensating factor to the required extent.

17) "Total emoluments" is easy to understand. It means pay + all allowances drawn regularly on salary bills. If all these together fall short of Rs 850 in Bangalore, as much war allowance as is necessary to bring it up to Rs 850 is to be given.

18) This is the obvious, this the usual and this the correct interpretation. From 1945 till now a host of officers have understood

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and applied it in this way. They have been governed by this interpretation till now. They cannot all be wrong and this new and forced interpretation be correct, especially when the officer advancing it for the first time does so in his own case.

19) I agree with the Comptroller's interpretation for the above reasons. The request is inadmissible.

Ch. Secy (re) 7.2.50

8/2

CHIEF SEC... 7259 ... 9 FEB ... GOVT. OF MYSO...

Office of the Chief ...
No. 6740
Date of Receipt 10/2

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Chief Secy)

30) I agree. The general aspect arising out of this matter deserves, however, immediate examination. Why should "war allowance" continue when the war was over some years ago. Another war is not in the offing as all want peace — though some may be preparing for war all the time!

637 S- 11/2

31) The doing away of war allowances may be considered at the time of our consideration of the E.C.O's report at the end of the month. Meanwhile the subject may be worked up — both factual aspects —.

Secy 11/2/50

32) Some order & wk up Secy.

11/2/50 amp 11.2.50

NOTE—Contn. Sheet.

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Representation of Sri B.T. Kempanna, Secretary to Govt. Development Deptt.

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Submitted with reference to para 32. Extract of paras 15 & 32 taken separately for transmission to the Tl Branch for further action.

14/2/50

In accordance with the usual practice, orders will have to be communicated to the Dev. Secy. orally.

14.2.50

The Dev. Secy has been informed. The file may be closed. & the minute of the Chief Min may be extracted & further action taken.

B

14.2.50.

Action taken as above

15/2/50